

### **R E M A R K S**

The present amendment is in response to the Official Action dated January 7, 2004, wherein the Examiner rejected pending claims 1-8, 13, 14, 16-20, 23, 25-27 and 30; and objected to pending claims 15, 21, 22, 24, 28, 29 and 31. More specifically, the Examiner has rejected claims 1-8, 13, 14, 16 and 17 as being either anticipated or made obvious by Hutchison, IV et al., US Patent No. 5,790,589. The Examiner has further rejected claims 18, 19, 23, 25, 26 and 30 as being anticipated by Storm et al., US Patent No. 6,144,649, and still further rejected claims 20 and 27 as being made obvious by Storm et al., '649, in view of Chen, US Patent No. 5,881,058. Claims 15, 21, 22, 24, 28, 29 and 31 have been rejected only to the extent that they are dependent upon a rejected base claim. The applicants note with appreciation the allowance of claims 9-12 and 32-34, and the indication of allowability relative to claims 15, 21, 22, 24, 28, 29 and 31.

However relative to the claims that were rejected, contrary to the assertions of the Examiner, the references cited by the Examiner, either separately or in combination, fail to make known or obvious the claims of the present application. In at least some instances amendments have been introduced to make the same more clear, and/or address typographical issues. In view of the present response and corresponding remarks, the applicants would respectfully request the reconsideration and reexamination of the claims of the present application.

In rejecting claims 1, 2, 13 and 14, the Examiner acknowledges that Hutchison, IV et al., '589, is silent as to storing the received signals. The Examiner then asserts that the same would be inherent in view of the correlation that takes place based upon the received signal. However, contrary to the Examiner's assertion the storing of the received signal is not necessitated by a subsequent correlation based upon the received signal, in so far as the correlation and corresponding accumulation of the results of the one or more comparisons of the received signal relative to the generated PN code sequence can occur without storing the received signal. Such a statement by the Examiner ignores the fact that the received signal can be processed in real time, without requiring that the signal be stored. For example, the received signal could be presented to the input of a comparator, which has a second input associated with the generated PN code sequence. The results of the comparison could then be produced which is then made available for subsequent processing, such as the determination of whether a correlation between the two input signals exists. As the received signal changes, the corresponding signal at the input of the

comparator could similarly be allowed to change without any storage of the same. There is no requirement that the signal is stored, and consequently the same can not said to be inherent. To the extent that the Examiner has appeared to take official notice of such a fact, the same is said to be traversed by the applicant, where an applicable reference showing the alleged inherent fact is hereby requested.

However, the same may be moot in view of the corresponding amendment to the claims, where claim 1 was amended to further incorporate the limitations of claims 3 and 4, and claim 13 was amended to more clearly identify that a predetermined number of a plurality of samples of the received signal is stored, and that the same stored samples are used in the correlation of the received signal relative to the generated PN code sequence having multiple offsets.

It is noted that relative to previous claims 3 and 4, that the Examiner asserted the same to be obvious in view of Hutchinson IV et al., '589. Interestingly, the Examiner similarly acknowledges that Hucthinson IV et al., '589, in addition to failing to explicitly disclose storing samples of a received signal, additionally fails to disclose generating the PN sequence, during the step of storing, and still further fails to disclose re-generating during the step of correlating a PN sequence at a faster rate than the step of generating. The applicant strongly objects to the assertions of inherency and obviousness, where each additional element that is alleged to be obvious is premised on another allegedly inherent or obvious element, which is similarly acknowledged as being absent from the reference. Each assertion of obviousness is extremely tenuous at best, and in applicants view unsupportable. Still further, the multiple levels of obviousness becomes even more tenuous with each additional related element, which is alleged to be obvious. The Examiner has not provided any rational motivation relative to the manner in which the cited references operate, that would make the generation of a PN sequence at a rate that is faster than the rate of the step of generation functionally feasible. This is especially of concern, where the limiting factor concerning the performance of the correlation in the cited reference relates to the properties of the received signal, where the spreading is relatively fixed and controlled by an external source. In view of a failure to identify how such a differently timed generation of a PN sequence could be beneficially used in a context consistent with the cited references, the same can not reasonably be said to be obvious in view of the cited references. Consequently, the applicants strongly disagree with the application of official notice in such a

circumstance. The applicants look forward to the Examiner either providing proper support through an appropriately cited source or withdrawing the rejection.

Claim 13 has been amended to more clearly identify that samples from the same stored set of samples of a received signal are used to correlate the PN sequence at a plurality of different PN offsets. The same is not provided by the reference being relied upon in support of the present rejection.

Relative to claims 18, 19, 23, 25, 26 and 30, which were rejected as being anticipated by Storm et al., US Patent No. 6,144,649, claims 18 and 25 have been amended in an attempt to make the same more clear, where when a PN sequence at a particular PN offset produces a correlation energy which is at least equal to an energy threshold, the controller is operable to interrupt the correlator from correlating portions of the samples with further PN sequences of different PN offsets. The specific portion of the reference presently being cited by the Examiner, namely col. 7, lines 17-24, of Storm et al., '649, fails to identify that the correlation is correspondingly interrupted. Consequently, the reference fails to make known or obvious the corresponding claims of the present application.

In view of the above remarks, the applicants would respectfully request that the claims as presently amended be reconsidered, and allowance of the application is respectfully requested.

In the event, that there are any remaining unresolved issues precluding the issuance of the present application after consideration of the present response, before issuing a further rejection, the Examiner is respectfully requested to contact the applicants' agent at the below listed number to discuss the same.

Respectfully submitted,

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